

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

BOBBY ROUSE, ET AL., on behalf of
himself and all others similarly situated,

Plaintiff,

v.

TARGET CORPORATION,

Defendant.

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Civil Action No. 3:15-cv-00048

FLSA COLLECTIVE ACTION
(JURY TRIAL)

DECLARATION OF RHONDA H. WILLS

Pursuant to 28 U. S. C. § 1746, I state under penalty of perjury that the following is true and correct:

1. My name is Rhonda H. Wills. I am over the age of eighteen years, capable of making this declaration, and fully competent to testify to the matters stated here due to my position, experience, and personal knowledge. I have personal knowledge of facts stated, and they are true.

2. I was retained, along with my law firm (WILLS LAW FIRM, PLLC), by Plaintiffs Bobby Rouse and Nicole Garza (collectively, "Plaintiffs") to represent them in the above-referenced matter. I am lead counsel on behalf of the Plaintiffs in this matter. I have been assisted in my representation of Plaintiffs by co-counsel from my law firm, Genevieve B. Estrada.

3. I make this declaration in support of the Plaintiffs' Request for Entry of Judgment and Attorneys' Fees, Expenses and Costs, which is being filed with the Court after an offer of judgment in favor of the Plaintiffs for the recovery of unpaid overtime compensation and liquidated damages pursuant to the Fair Labor Standards Act ("FLSA").

Experience and Qualifications.

4. I am the founding member and co-managing partner of WILLS LAW FIRM, PLLC. WILLS LAW FIRM, PLLC is a small firm with only three licensed attorneys, as well as legal assistants and law clerks.

5. I am a 1994 graduate of the University of Texas School of Law, and I have a B.B.A. in International Business from the University of Texas at Austin. I have been licensed to practice in Texas since 1994, and since that time I have been a member of the State Bar of Texas in good standing. I am admitted to practice before all Texas state courts, the Southern District of Texas, the Western District of Texas, the Northern District of Texas, the Fifth Circuit Court of Appeals, and the United States Supreme Court. I am also admitted and licensed to practice law in New York. I have also appeared *pro hac vice* as lead counsel in cases pending in the Southern District of New York, the Northern District of California, the Southern District of California, the Central District of California, the Eastern District of Louisiana, the District of New Jersey, and the District of Kansas.

6. In the past almost 21 years of practicing law, among other things, I have specialized in employment litigation and complex multi-party litigation, including national and statewide class actions and collective actions brought under the Fair Labor Standards Act ("FLSA").

7. Before founding the WILLS LAW FIRM,

8. I practiced at VINSON & ELKINS L.L.P. for almost 8 years following a one-year judicial clerkship with the Supreme Court of Texas as a briefing attorney.

9. While at VINSON & ELKINS, I handled complex class actions representing defendants in various jurisdictions, including Texas, South Carolina, Tennessee, New Jersey, Florida, Alabama, the U.S. Virgin Islands, and Canada. Further, I was a senior member of the

litigation team involved in representing an international company in conjunction with a \$1 billion class action settlement fund.

10. At the WILLS LAW FIRM, I have focused my practice on representing plaintiffs in nationwide and statewide FLSA collective actions and class actions. I have successfully resolved multiple cases that have been certified by federal courts on a nationwide and statewide basis. Since 2008, I have appeared as lead counsel in more than 50 wage and hour matters in federal and state courts nationwide, including matters that have been certified on a state and/or nationwide basis. I also currently have or have previously had wage and hour matters filed before most of the federal judges in the Southern District of Texas, including this Honorable Court, Judge Gregg Costa, Judge Lee H. Rosenthal, Judge Nancy F. Atlas, Judge David Hittner, Judge Keith P. Ellison, Judge Vanessa Gilmore, Judge Sim Lake, Judge Melinda Harmon, and Judge Gray Miller, as well as courts in the Western District of Texas, the Northern District of Texas, the Southern District of New York, the Southern District of California, the Northern District of California, the Central District of California, the District of New Jersey, the District of Kansas and the Los Angeles Superior Court.

11. A list of some of the wage and hour matters in which I have served (or am currently serving) as lead counsel includes, but is not limited to, the following:

- *In re Wells Fargo Wage and Hour Employment Practices Litigation (No. III)*, Case No. 4:11-md-2266, MDL in the Southern District of Texas, Houston Division (National FLSA collective action re mortgage loan officers) (\$15 million settlement) (J. Miller)
- *Richard, et al., v. ViewPoint Bank, et al.*, Civil Action No. 4:11-cv-00846, In the United States District Court for the Southern District of Texas, Houston Division (FLSA collective action re mortgage loan officers) (confidential settlement) (J. Lake)
- *Salto, et al., v. Ameripro Funding, Inc.*, Civil Action No. 1:11-cv-00289-SS, In the United States District Court for the Western District, Austin Division (FLSA collective action re mortgage loan officers) (confidential settlement) (J. Sparks)

- *Bethea, et al., v. 360 Mortgage Group, LLP*, Civil Action No. 1:11-cv-921-SS, In the United States District Court for the Western District, Austin Division (FLSA collective action re mortgage loan officers) (confidential settlement) (J. Sparks)
- *Valladares, et al., v. Priority Home Mortgage, LP, et al.*, Civil Action No. 3:11-cv-00114, In the United States District Court for the Southern District of Texas, Galveston Division (FLSA collective action re mortgage loan officers) (confidential settlement) (J. Hoyt)
- *Mote v. Perry Homes, A Joint Venture, et al.*, Civil Action No. 1:09-cv-00553-LY, In the United States District Court for the Western District, Austin Division (FLSA collective action re mortgage loan officers) (confidential settlement) (J. Yeakel)
- *Villegas v. Regions Bank, et al.*, Civil Action No. 4:11-cv-00904, In the United States District Court for the Southern District of Texas, Houston Division (FLSA action re mortgage loan officer) (confidential settlement) (J. Rosenthal)
- *Vangelakos, et al. v. Wells Fargo Bank, N.A., et al.*, Civil Case No. 1:13-cv-06574, In the United States District Court Southern District of New York (off-the-clock wage and hour violations) (J. Castel)
- *Fernandez, et al. v. Wells Fargo Bank, N.A., et al.*, Civil Action No. 12-cv-7193, In the United States District Court for the Southern District of New York (off-the-clock wage and hour violations) (J. Castel)
- *Scutts, et al. v. Wachovia Corporation, et al.*, In the United States District Court Southern District of New York (off-the-clock wage and hour violations) (J. Castel)
- *McNeill, et al., v. Wells Fargo Bank, N.A.*, Civil Action No. 4:11-cv-01400, In the United States District Court for the Southern District of Texas, Houston Division (FLSA violations re Wells Fargo tellers) (confidential settlement) (J. Miller)
- *McNeill, et al., v. Wachovia Corporation, et al.*, Civil Action No. 4:11-cv-01401, In the United States District Court for the Southern District of Texas, Houston Division (FLSA violations re Wachovia tellers) (confidential settlement) (J. Rosenthal)
- *Richardson, et al., v. Wells Fargo Bank, N.A.*, Civil Action No. 4:11-cv-00738, In the United States District Court for the Southern District of Texas, Houston Division (off-the-clock FLSA violations re Wells Fargo personal bankers) (confidential settlement) (J. Atlas)
- *Perez, et al., v. Wells Fargo & Company, et al.*, Civil Action No. 3:14-cv-00989, In the United States District Court for the Northern District of California (wage and hour violations) (J. Hamilton)

- *Canela, et al., v. HEB Grocery Company, LP, et al.*, Civil Action No. 1:10-cv-0078-LY, In the United States District Court for the Western District, Austin Division (conditionally certified FLSA collective action) (confidential settlement) (J. Yeakel)
- *Fructuoso, et al., v. HEB Grocery Company, LP, et al.*, Civil Action No. 1:10-cv-00951-LY, In the United States District Court for the Western District, Austin Division (FLSA collective action) (confidential settlement) (J. Yeakel)
- *Rueda, et al., v. Tecon Services, Inc.*, Civil Action No. 4:10-cv-04937, In the United States District Court for the Southern District of Texas, Houston Division (conditionally certified FLSA collective action) (confidential settlement) (J. Rosenthal)
- *Gonzalez, et al., v. Ridgewood Landscaping, Inc.*, Civil Action No. 4:09-cv-02992, In the United States District Court for the Southern District of Texas, Houston Division (conditionally certified FLSA collective action) (confidential settlement) (J. Rosenthal)
- *Willis, et al., v. Perry Homes, et al.*, Civil Action No. 1:09-cv-00799-LY, In the United States District Court for the Western District, Austin Division (conditionally certified FLSA collective action) (confidential settlement) (J. Yeakel)
- *Sandberg, et al., v. Perry Homes, et al.*, Civil Action No. 1:09-cv-00763-LY, In the United States District Court for the Western District, Austin Division (conditionally certified FLSA collective action) (confidential settlement) (J. Yeakel)
- *Hughes v. The Ryland Group, Inc. et al.*, Civil Action No. 3:11-cv-00203, In the United States District Court for the Southern District of Texas, Galveston Division (confidential settlement) (J. Costa)
- *Gillum, et al., v. Acuity Healthcare, LP*, Civil Action No. 4:11-cv-391 (FLSA collection action re healthcare workers) (confidential settlement) (J. Atlas)
- *McCarragher, et al., v. The Ryland Group, Inc. et al.*, Civil Action No. 4:11-cv-00055, In the United States District Court for the Southern District of Texas, Galveston Division (conditionally certified FLSA collective action) (confidential settlement) (J. Costa)
- *Bejenaru, et al v. KB Home, et al.*, Case No. BC521236, In the Superior Court of the State of California, County of Los Angeles, Civil Central West (California wage and hour class action) (J. Johnson)
- *Edwards, et al. v. KB Home*, Civil Action No. 3:11-cv-00240, In the United States District Court for the Southern District of Texas, Galveston Division (conditionally certified FLSA collective action) (J. Costa)
- *Lipnicki, et al., v. Meritage Homes Corporation, et al.*, Civil Action No. 3:11-cv-00605, In the United States District Court for the Southern District of Texas, Galveston Division (conditionally certified FLSA collective action) (confidential settlement) (J. Costa)

- *White-Yeldell v. Lennar Corporation, et al.*, Civil Action No. 4:08-cv-03743, In the United States District Court for the Southern District of Texas, Houston Division (FLSA collective action) (confidential settlement) (J. Gilmore)
- *Carter, et al., v. Lennar Corporation, et al.*, Civil Action No. 4:08-cv-03790, In the United States District Court for the Southern District of Texas, Houston Division (FLSA collective action) (confidential settlement) (J. Atlas)
- *Sam, et al., v. Lennar Corporation, et al.*, Civil Action No. 4:09-cv-00565, In the United States District Court for the Southern District of Texas, Houston Division (FLSA collective action) (confidential settlement) (J. Gilmore)
- *Alvarado, et al., v. Shipley Donut Flour & Supply Co., Inc.*, Civil Action No. 4:08-cv-02111, In the United States District Court for the Southern District of Texas, Houston Division (FLSA collective action) (confidential settlement) (J. Atlas)
- *Ramirez, et al., v. Gigi Huang Restaurant, Ltd, et al.*, Civil Action No. 4:09-cv-02649, In the United States District Court for the Southern District of Texas, Houston Division (FLSA collective action) (confidential settlement)
- *Switzer, et al., v. Wachovia Corporation, et al.*, Civil Action no. 4:11-cv-01604, In the United States District Court for the Southern District of Texas, Houston Division (FLSA off-the-clock violations re Wachovia financial specialists) (confidential settlement) (J. Atlas)
- *Blake v. Hewlett-Packard Company*, Civil Action No. 4:11-cv-00592, In the United States District Court for the Southern District of Texas, Houston Division (confidential settlement) (J. Harmon)
- *Strickland, et al., v. Aramark Uniform & Career Apparel, LLC.*, Civil Action No. 15-cv-7823-DCC-GEB, In the United States District Court for the District of Kansas (FLSA collective action) (J. Birzer)
- *Henry v. JPMorgan Chase & Co., et al.*, Civil Action No.2:15-cv-03895-PSG-PLA, In the United States District Court for the Central District of California (FLSA collective action) (J. Gutierrez)
- *Gutierrez, et al., v. I. Kunik Company*, Civil Action No. 7:15-cv-00225, In the United States District Court for the Southern District of Texas, McAllen Division, (FLSA collective action) (J. Crane)
- *Crawford, et al., Saks & Company LLC f/n/a Saks & Company*, Civil Action No. 4:14-cv-03665, In the United States District Court for the Southern District of Texas, Houston Division (FLSA collective action) (J. Rosenthal)

- *Ranieri, et al., v. Banco Santander, et al.*, Civil Action No. 2:15-cv-03740-MCA-MAH, In the United States District Court for the District of New Jersey (FLSA collective action) (J. Arleo)
- *Parker, et al., v. Silverleaf Resorts, Inc., et al.*, Civil Action No. 3:14-cv-02075-P, In the United States District Court for the Northern District of Texas, Dallas Division (FLSA collective action)
- *Pinedo v. Tumi, Inc.*, Civil Action No. 2:15-cv-05520-PSG-MRW, In the United States District Court for the Central District of California (FLSA collective action) (P. Gutierrez)

History of the litigation.

12. I began investigation of potential FLSA violations by Target Corporation (“Defendant” or “Target”) in February of 2015 after initially being contacted by Plaintiff Bobby Rouse. Subsequently, I filed this lawsuit against Target on March 3, 2015 asserting FLSA claims on behalf of Mr. Rouse, as well as a putative nationwide class of executive team leader-asset protection (“ETL-AS”) employees alleging misclassification and seeking unpaid overtime. Thereafter, Plaintiff Nicole Garza also joined the case as a named plaintiff and class representative.

13. Including investigation time, my law firm spent almost six months working on this matter before Target made an unconditional offer of judgment on July 24, 2015, which Plaintiffs timely accepted on August 6, 2015. The work performed by WILLS LAW FIRM, PLLC is detailed in the attached attorney fee bills as Exhibit 2. But for the extensive work performed by my firm, Plaintiffs would not have been able to secure an unconditional offer of judgment to pay the damages owed to them.

Plaintiffs’ Counsel’s Attorneys’ Fee and Costs Request is Reasonable.

14. My law firm, WILLS LAW FIRM, PLLC was retained by Plaintiffs in this matter. As the lead attorney in this matter, I have been assisted by others from my law firm in the prosecution of this matter, including my associate attorney, Genevieve B. Estrada, as well as paralegals and

law clerks. A copy of the curriculum vitae (“CV”) of Ms. Estrada is appended as Exhibit 4. Based on information provided to me, Genevieve B. Estrada graduated *summa cum laude* from Texas Southern University, Thurgood Marshall School of Law in 2013. Ms. Estrada has been licensed to practice law in Texas since November 2013.

15. This matter has required a considerable investment of time and resources by WILLS LAW FIRM, PLLC, which is a small firm with only three licensed attorneys. This matter has at all times been pursued on a fully contingent basis. Plaintiffs’ counsel would receive no amount for costs, expenses, or time unless the cases succeeded. To date, Plaintiffs’ counsel have not received any compensation or reimbursement for time or expenses incurred in these proceedings. Plaintiffs’ counsel have expended substantial time, litigation expenses and costs in litigating this matter. Representation of the Plaintiffs in this case has been ongoing since February of 2015 and has required my firm to forego other work and to advance litigation expenses.

16. Based on my professional experience, the WILLS LAW FIRM, PLLC’s billing rates are fair and reasonable and are commensurate with hourly rates of lawyers with similar experience handling complex litigation matters.

17. Based on my professional experience, a reasonable rate for my work in this case, for an attorney of similar skill and experience performing similar work in this community is at least \$500 per hour. For example, according to the ALM Texas Salary and Billing Survey, the median average hourly rate in 2013 for all surveyed equity partners in Texas was \$388 in Houston and \$499 in Dallas. According to the same survey, the median average hourly rate for all surveyed equity partners in Texas in small law firms was \$350 and in large firms was \$558. In my experience, equity partners at large firms include individuals with as little as 8 years of experience, as compared to my nearly 21 years of experience. Moreover, though I am with a small firm, I

started my career by spending almost 8 years with a large firm (Vinson & Elkins, LLP). In addition, I have extensive experience and expertise as a lawyer in FLSA matters. In April 2014, another court in this district (The Honorable Gray Miller) approved my application for attorneys' fees in an FLSA matter in which my rate was \$550 per hour. *In re Wells Fargo Wage and Hour Employment Practices Litigation (No. III)*, Case No. 4:11-md-2266 [Docs. 233-4, 239].

18. The skill required to perform the legal services provided by me is that of a trial attorney employed as a senior equity partner experienced in the development and presentation of a case similar to this matter. The time I spent working on this case was time that I otherwise could have spent earning hourly fees or contingent fees in other matters, or developing additional business. In performing contingent fee work in the past, my firm has earned in certain complex cases, several thousand dollars per hour.

19. Likewise, based on my professional experience, a reasonable hourly rate for my associate, Genevieve B. Estrada, is \$300 per hour. Similarly, based on my professional experience, a reasonable rate for law clerk time is \$150 per hour and paralegal time is \$125 per hour. According to a 2013 Utilization and Compensation Survey Report by the Association of Legal Assistants and Paralegals, even at small firms, average billing rates exceeded \$100 per hour.

20. The 2013 *National Law Journal* survey of U.S. law firm billing rates also confirms that WILLS LAW FIRM, PLLC's rates are reasonable, as described in the attached Exhibit 5. According to that survey, firms in Texas charge rates comparable to WILLS LAW FIRM, PLLC's rates being used in this matter, averaging from \$655 for partners and \$417 for associates.

21. My firm, including myself and Ms. Estrada (associate attorney), along with our law clerks and paralegals, have performed substantial work on behalf of the Plaintiffs in this case.

Detailed time records for that work is attached as Exhibit 2. Such time was reasonable and necessary to the prosecution of this action.

22. The amount of time my law firm spent representing Plaintiffs Bobby Rouse and Nicole Garza in this matter is reflected in the attached time records. *See* Exhibit 2. The time reflected therein was reasonable and necessary to the representation of those two plaintiffs in this case, and reasonably expended in advancing their claims. Allocation of work by experience level was also reasonable given the experience level of each of the attorneys involved and the tasks they performed.

23. After the exercise of considerable billing judgment, WILLS LAW FIRM, PLLC has devoted 148.75 hours of professional time to the prosecution of this matter through July 24, 2015. Based on the hourly rates regularly charged by my firm, the lodestar value of WILLS LAW FIRM, PLLC's time is \$48,975.00. WILLS LAW FIRM, PLLC's lodestar is calculated by multiplying its hours worked on this case by the attendant hourly rates. The hours, attendant rates and lodestar for the WILLS LAW FIRM, PLLC in this matter are as follows:

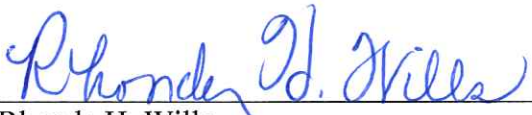
NAME	RATE	BILLABLE HOURS	LODESTAR
ATTORNEYS:			
RHONDA H. WILLS (LEAD COUNSEL)	\$500	53.50	\$26,750.00
GENEVIEVE ESTRADA (ASSOCIATE)	\$200	58.00	\$17,400.00
LAW CLERKS:	\$150	6.75	\$1,012.50
PARALEGALS:	\$125	30.50	\$3,812.50
TOTAL		148.75	\$48,975.00

24. The lodestar calculations were compiled from time records regularly prepared and maintained by WILLS LAW FIRM, PLLC in the ordinary course of business. All of the services performed by WILLS LAW FIRM, PLLC were reasonably necessary in the prosecution of this action with respect to the advancement of the claims of Plaintiffs.

25. The schedule attached hereto as Exhibit 3 is an accurate summary indicating the taxable costs and litigation expenses incurred by WILLS LAW FIRM, PLLC in this matter for the advancement of the claims of Plaintiffs, which totals \$1,161.73. We seek reimbursement of these taxable costs and litigation expenses as reasonable and necessary to the prosecution of Plaintiffs' claims.

26. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 20, 2015


Rhonda H. Wills